

ORIGINAL

## In the United States Court of Federal Claims

RYAN SAMUEL SMITH,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 17-793C

Filed: October 12, 2017

FILED

OCT 12 2017

U.S. COURT OF  
FEDERAL CLAIMSDISMISSAL ORDER

Plaintiff, *pro se*, Ryan Samuel Smith, commenced this action on June 12, 2017 (docket entry no. 1). On June 26, 2017, plaintiff also filed a motion to proceed *in forma pauperis* (docket entry no. 6). On August 3, 2017, the government filed a motion to dismiss this action, pursuant to Rules 12(b)(1) and (6) of the Rules of the United States Court of Federal Claims ("RCFC") (docket entry no. 7).

On September 8, 2017, the Court issued a Show Cause Order directing plaintiff to show cause why he failed to timely respond to the government's motion to dismiss and to file a response to the government's motion to dismiss by October 5, 2017. In the Show Cause Order, the Court informed plaintiff that the Court would treat plaintiff's failure to file a timely response as a failure to comply with the Court's Order and to prosecute this matter, pursuant to RCFC 41(b).

Because plaintiff has failed to comply with the Court's September 8, 2017 Order and to timely prosecute this matter, the Court dismisses this action without prejudice. RCFC 41(b).<sup>1</sup>

<sup>1</sup> RCFC 41(b) provides that: "[i]f the plaintiff fails to prosecute or to comply with [the Court's] rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it." RCFC 41(b).

The Clerk's Office is directed to **ENTER** final judgment **DISMISSING** the complaint without prejudice.

**IT IS SO ORDERED.**



LYDIA KAY GRIGGSBY  
Judge